

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN BALKO & ASSOCIATES d/b/a  
SENIOR HEALTHCARE ASSOCIATES,

Plaintiff,

12cv0572

**ELECTRONICALLY FILED**

v.

KATHLEEN SEBELIUS Secretary U.S.  
Department of Health and Human Services,

Defendant.

**Order Appointing Special Master**

AND NOW, this \_\_\_\_ day of November, 2012, **IT IS HEREBY ORDERED** that having given notice pursuant to Fed.R.Civ.P. 53(b)(1), **Mr./Mrs.** \_\_\_\_ having complied with Fed.R.Civ.P. 53(b)(3)(A), and no party having objected, the Court appoints \_\_\_\_ to serve as Special Master in the above captioned case. The powers of the Special Master shall be as follows:

- (a) To hear argument (if deemed appropriate by the Special Master) on the cross-motions for summary judgment;
- (b) To prepare a Report and Recommendation on the cross-motions for summary judgment; and
- (c) To perform such other acts as the parties agree upon and the Court subsequently approves.

If any oral argument is heard by the Special Master, a court reporter shall record the proceedings. The Special Master may Order the production of the transcript of those proceedings. If the transcript is ordered, it shall be filed on ECF with the Report and Recommendation. The Special Master may not communicate *ex parte* with the Court or parties.

The Special Master shall submit to the Court a Report and Recommendation on the cross-motions for summary judgment by \_\_\_\_\_. Either party may file objections to, or a motion to adopt or modify, the Special Master's Report and Recommendation by \_\_\_\_\_. A party may file a response to such objection or motion by \_\_\_\_\_.

The compensation to be paid to the Special Master shall be fixed and determined by the Court pursuant to Fed.R.Civ.P. 53(g). The Special Master shall file with the Court, under seal, an affidavit setting forth his/her proposed compensation, using his/her normal billing rate for such services (plus costs), by \_\_\_\_\_. The parties shall file, under seal, any objections to the proposed compensation by \_\_\_\_\_, which shall be ruled upon by the Court. The parties shall equally split the costs and fees for services rendered by the Special Master.

s/Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: All ECF Counsel of Record